

# FARMINGTON CITY COUNCIL MEETING

Tuesday, November 18, 2008

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## CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

***PRESENT:*** Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Attorney Todd Godfrey, and Recording Secretary Kami Mahan.

**Mayor Harbertson** began discussion at 5:31 p.m. **Rick Dutson** offered the invocation.

### Closed Session

At 5:32 p.m. a motion to go into closed session to discuss strategy as it pertains to the acquisition of real property and pending litigation was made by **David Hale**, and seconded by **Sid Young**. The motion passed with a unanimous vote.

### SWORN STATEMENT

I, Scott Harbertson, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

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Scott C. Harbertson, Mayor

At 6:40 p.m. a motion to go back into open session was made by **Sid Young** and seconded by **Paula Alder**. The motion passed unanimously and the meeting was reconvened in an open session.

[Finance Director **Keith Johnson** arrived at the meeting at 6:42 p.m.]

### (Agenda Item #6): Presentation of Certificate of Achievement for Excellence in Financial Reporting to Keith Johnson, City Finance Director.

**Mayor Harbertson** invited **Mike Ulrich** and **Chuck Ulrich**, independent auditors from Ulrich & Associates, to present an overview of the City's financial standing. Copies of the management letter and the Comprehensive Annual Audit Report were distributed, and several issues from the letter were reviewed, including the Allocation of Vehicle Maintenance to City

projects, Payroll Review and Payments, Construction Bonds, and the Treasurers' Bond Amount. Highlights from the Annual Audit Report included updates on Major Funds, Fund Balances, and a History of Collections.

**Mike Ulrich** stated that the City is well-run. He also explained that determining employee satisfaction is part of the audit, and that unlike in many other cities, Farmington employees in general are satisfied with how the City operates and how they are treated.

**(Agenda Item #9): Letter of Request from Guy Haskell of Haskell Homes requesting a waiver of the requirement to plant trees in the Willow Creek Subdivision.**

**Mayor Harbertson** reviewed this proposal, which the Council briefly discussed. There was concern expressed regarding the lack of trees in the development.

The meeting adjourned at 7:00 p.m.

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**REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER**

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, Finance Director Keith Johnson, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Kami Mahan.

**Mayor Harbertson** called the meeting to order at 7:06 p.m. **Sid Young** offered the invocation, and the Pledge of Allegiance was led by Boy Scout **Josh Tensley**.

**APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)**

The Council reviewed the minutes of the November 5, 2008, City Council meeting, and two corrections were made.

**Motion**

**David Hale** moved to approve the minutes of the meeting held November 5, 2008, with changes as noted. **Paula Alder** seconded the motion, which passed unanimously.

The **Mayor** excused Councilman Cory Ritz from the meeting.

**PRESENTATION OF RING TO 2 FIREFIGHTERS FOR YEARS OF SERVICE - BRIAN THURGOOD, 10 YEARS & JOE WALLS, 25 YEARS. (Agenda Item #4)**

Fire Chief **Larry Gregory** was invited to introduce Firefighters **Brian Thurgood** and **Joe Walls**, who were being awarded for their years of service. **Chief Gregory** explained each of their backgrounds and experience, and commended them for their service and dedication to the City. **Mayor Harbertson** presented **Brian Thurgood** with a 10-year service award ring, and **Joe Walls** with his 25-year service ring.

**PRESENTATION OF D.A.R.E. OFFICER OF THE YEAR AWARD TO POLICE OFFICER BRETT WINKLEMAN - MICHAEL MILNE. (Agenda Item #5)**

Farmington Police Chief **Wayne Hansen**, and **Michael Milne** from the Utah Crime Prevention Council, introduced Officer **Brett Winkleman** who is being honored as the D.A.R.E. Officer of the Year. **Officer Winkleman** was commended and congratulated by **Chief Hansen** and **Mayor Harbertson**.

**PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING TO KEITH JOHNSON, CITY FINANCE DIRECTOR. (Agenda Item #6).**

**Mayor Harbertson** stated that financial updates from the Comprehensive Annual Audit Report were presented during the work session by **Chuck Ulrich** and **Mike Ulrich**, independent auditors from Ulrich & Associates. **Chuck Ulrich** reviewed several additional highlights of the Audit Report with respect to Proprietary Funds, Net Assets, and Operating Income. He noted that stated cash assets can be slightly deceiving.

**Mike Ulrich** discussed financial reserves for capital improvements in the enterprise funds. He cautioned that funds outside of impact fees are inadequate to cover the future cost of repair and replacement in the culinary water fund. He said that not counting impact fees, there is \$260,000 in the fund when there should be \$3,570,000. If impact fees decline, the fund will struggle to meet needs for infrastructure. Revenues for these needs should be addressed.

[**Max Forbush** arrived at the meeting at 7:34 p.m.]

**Motion**

**Sid Young** made a motion to accept the Annual Audit Report as presented. **David Hale** seconded the motion, which passed unanimously.

**Mayor Harbertson** introduced **Jim Welch** of the Utah Government Financial Officers Association, who stated that this was the seventh consecutive year that Farmington, under the financial direction of **Keith Johnson**, has been a recipient of this award. He said it is the highest award which can be received from the Association. **Mr. Welch** presented the Certificate of

Achievement for Excellence in Financial Reporting to **Keith Johnson** for preparing the award winning CAFR (Comprehensive Annual Financial Report). **Mr. Welch** explained that this award positively affects the City's credit.

**Mayor Harbertson** commended **Keith Johnson**, and noted that **Mr. Johnson** and the City Manager are very conservative in their handling of City funds, which has protected Farmington from financial problems.

**PUBLIC WORKS DEPARTMENT REPORT/REVIEW OF MAINTENANCE POLICIES FOR CITY STREETS AND RELATED MATERIAL - WALT HOKANSON. (Agenda Item #7)**

**Mayor Harbertson** explained that department heads have been invited to present an annual overview of policies and procedures of their departments, and he invited Public Works Director **Walt Hokanson** to update the Council on his department.

**Walt Hokanson** emphasized that citizens should consult the City website for information concerning issues such as leaf clean-up and snow removal. He said the website is kept updated, and provides information about the order in which streets and areas are serviced. **Mr. Hokanson** noted that State Street and Main Street take significant time for clean-up, and he said a goal this year is to have snow cleared from the streets by midnight. Parked cars on streets during the winter, especially through several storms in a row, are hazardous.

**Mr. Hokanson** also reported that asphalt work is significantly behind, and that priorities need to be carefully determined, with the politics left out. He said that asphalt costs have recently gone down some, but not a significant amount.

**Mr. Hokanson** said there have been improvements in the water department. He emphasized that the City must be diligent in proving up water rights due to a move in the state and by other entities to seize those rights and move water to other areas of the state. Farmington is fortunate in that years ago City fathers obtained water rights for buildout. He also stated that Well #2 needs to run constantly in order to continue drawing clean water, and he informed the Council that occasionally a fire hydrant or other water source will be turned on for the day for this reason.

**David Hale** asked about the status on the new Public Works storage building, and **Mr. Hokanson** replied that it should be ready the first of January.

**PLANNING COMMISSION REPORT (Agenda Item #8)**

**Kevin Poff** reported proceedings of the Planning Commission meeting held November

13, 2008. He covered the following items:

- The Planning Commission granted conditional use approval for the Farmington Ranches Park.
- The Planning Commission tabled the public hearings for amending Chapter 2 and Chapter 11 of the Zoning Ordinance.
- The consideration to amend Chapter 11 of the General plan regarding the “Farmington Commercial Center” was continued to December 4<sup>th</sup>.
- The Planning Commission discussed increasing the radius for public notice regarding a particular development parcel from 300 feet to 1,000 feet, which would include 35 homes.

**LETTER OF REQUEST FROM GUY HASKELL OF HASKELL HOMES REQUESTING A WAIVER OF THE REQUIREMENT TO PLANT TREES IN THE WILLOW CREEK SUBDIVISION. (Agenda Item #9)**

**Mayor Harbertson** introduced this Agenda item and said it was briefly addressed in work session. He explained that the main concern of the Council is if trees will ever be installed in the development, and he invited **Guy Haskell** to address the Council.

**Guy Haskell** stated that without water or power, having trees would not be feasible, and that he may not be the one to control this situation unless CC&R’s were established. The Council felt that CC&R’s would address the issue. **Rick Dutson** pointed out that granting the waiver was a quid pro quo for the City in that Mr. Haskell had agreed to install drainage improvements along the east and north sides of the development beyond what was required in the approved development plans. In exchange it is appropriate to waive the street tree requirement.

**Motion**

**Rick Dutson** moved to grant the waiver of the requirement to plant trees in the Willow Creek Subdivision, and that CC&R’s must be established to address the requirement for trees. The motion was seconded by **Sid Young**, and passed by a unanimous vote.

**AMBULANCE INVOICES - WRITE-OFF REQUESTS. (Agenda Item #10)**

**David Porter**

**Mayor Harbertson** explained that **David Porter** was requesting a partial write off on the

ambulance bill for his son who hit his head on the bottom of the Farmington swimming pool and was transported via ambulance to the hospital. **Mr. Porter** felt that the trip to the hospital may have been an over-reaction. **The Mayor** reported that the total medical and ambulance charges amount to approximately \$4,500, of which \$870.74 was for the ambulance. He asked what portion of the bill **Mr. Porter's** insurance would cover. **David Porter** replied that insurance will cover from \$1,500 to \$1,700, and that he has a \$1,500 maximum deductible.

**Mr. Porter** is curious about the criteria used to determine whether someone needs an ambulance, although he appreciates and commends the work the EMT's do. He explained that he was told by EMT's that his son may have a concussion and needed stitches, but when he arrived at the hospital his son's injuries were not serious, and he felt the caution may have been excessive.

**Mayor Harbertson** responded that EMT's tend to err on side of caution, and suggested that the Council consider reducing the ambulance bill by \$400.00 contingent on having **Mr. Porter** sign an indemnification and release agreement.

### **Motion**

**Sid Young** moved to waive \$400.00 from David Porter's ambulance bill, and to have Mr. Porter sign an indemnification and release agreement prepared by the City attorneys. **Rick Dutson** seconded the motion, which was approved unanimously.

The City Manager said he would have a release agreement drafted and sent to **Mr. Porter** for his signature.

### **William Husbands**

**William Husbands** explained that his wife had a stroke and was taken to the hospital. Following her treatment, **Mr. Husbands** realized that because of his split entry home he would be unable to get her up the stairs. He asked if the EMT's could help, and they agreed to take his wife home. He then received an unexpected bill for \$500.00. He said he sent a letter to the Fire Chief, who referred him to the City Council.

### **Motion**

**Sid Young** moved to authorize the elimination of Mr. Husband's bill of \$505.70. **Paula Alder** seconded the motion, which passed by the unanimous consent of the Council.

**David Hale** commented on the need for the Fire Department, prior to rendering this type of service, to clarify to patrons that a cost is involved.

**REVIEW OF FARMINGTON DEVELOPMENT CORPORATION PROPOSAL REGARDING PROVISION FOR REMOVING 11,000 CUBIC YARDS OF FILL MATERIAL FOR STORM WATER DETENTION BASIN/ REVIEW OF RELATED OAKRIDGE COUNTRY CLUB PROPOSAL. (Agenda Item #11)**

**Mayor Harbertson** explained that the City has a development agreement with the developer for the Garbett Homes project, which requires them to remove 11,000 cubic yards of material for a storm water detention basin or to pay the actual cost of removal by the City. The developer now proposes not to remove the fill but rather to pay \$10,000. However, this would not cover the actual costs of having the fill removed. The cost of removal depends upon the distance it is hauled. **The Mayor** feels that according to the agreement Garbett needs to remove 11,000 cubic yards, which would leave an additional 21,000 for the City to remove.

**Max Forbush** said a detention basin is needed to meet the storm water plan. He stated that costs would be significant if the City had to remove the entire 31,000 cubic yards of material. The golf course can take only a portion. **Mr. Forbush** and City Engineer Paul Hirst recommend that the developer pay the full cost of removal as required in the agreement. It would be advantageous for one contractor (MC Green) to do the golf course and storm detention work.

**Rick Dutson** asked if the golf course could use more fill, and **Max Forbush** said he would inquire. **David Hale** felt Garbett should honor the agreement. **Mr. Forbush** said an agreement with the County is still needed, and that the detention basin is a benefit for both the City and County. The Council agreed to stay with the original agreement for the developer to pay the full cost of removal, not just \$10,000.

**REQUEST FOR CITY TO BE A SPONSOR OF UNITED WAY HUMANITARIAN EVENT. (Agenda Item #12)**

**Mayor Harbertson** said the United Way has a humanitarian event planned consisting of a "Neighbor to Neighbor" program to raise five million dollars, along with collecting food and other goods. **The Mayor** stated that the economic hardship is affecting this area. He proposed sending a letter to be included in the newsletter stating the City's support of this project and encouraging residents to donate items which can be dropped off at City Hall or the Public Works building. He also proposed sending a letter to each of the LDS stake presidents asking them to provide drop sites and to encourage members to participate.

The Council was supportive of this proposal.

**REQUEST FOR VARIANCE OF CEMETERY RULES WITH REGARDS TO MAXIMUM WIDTH OF MARKERS - NANCY LAWRENCE AND ELIZABETH WOOD. (Agenda Item #13)**

This Agenda item was withdrawn by the petitioners.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST: (Agenda Item #14)**

- **Ratification of Approvals of Construction Bond Agreement**
- **Approval of Change Order #5 on Police Station Project**
- **Approval of Buxton Agreement**
- **Approval of Resolution Amending User Fees charged for rental of picnic boweries and swimming pool**

**Mayor Harbertson** reviewed each of these items. **Paula Alder** noted that the Resolution Amending User Fees did not specify what is covered by the extra \$5.00 per hour rental fee in the picnic bowery. This needs to be clarified.

**Motion**

**Dave Hale** moved to approve the Summary Action List. **Rick Dutson** seconded the motion, which was unanimously approved.

**RESOLUTION ADOPTING NATURAL HAZARD PRE-DISASTER MITIGATION PLAN. (Agenda Item #15)**

**Mayor Harbertson** said that this Resolution needs to be adopted in order for the City to qualify for federal assistance. **Max Forbush** said the Resolution was sent to the City Attorney Todd Godfrey by the Wasatch Front Regional Council. **David Hale** stated that he would rather wait to approve the Resolution pending complete legal review. **Mayor Harbertson** noted that there is a time constraint, and said the matter should be dealt with before the next Council meeting.

**Motion**

**Paula Alder** moved to table the Resolution adoption, and the motion was seconded by **David Hale**. The motion passed unanimously.

**PLANNING COMMISSION MEMBER SELECTION PROCESS/TIMING. (Agenda Item #16)**

**Mayor Harbertson** gave **Margy Lomax** an additional application for Planning Commission, and said this brought the number of applicants to four. He said City Planner David Petersen would like the interviews to be held prior to the December 2<sup>nd</sup> City Council meeting. **The Mayor** said that one outgoing Commissioner is from the downtown area, and the other is



from the south part of the City. He requested that **Sid Young** participate in the interviews.

Interview dates were considered, and it was decided that interviews would be held on November 25<sup>th</sup> beginning at 4:30 p.m. City Recorder **Margy Lomax** was asked to contact the applicants to set up interviews.

#### **NEED FOR SPECIAL CITY COUNCIL MEETING IN DECEMBER. (Agenda Item #17)**

The Council discussed dates to schedule a Special City Council meeting to discuss zoning amendments, and agreed to meet on December 16<sup>th</sup>.

#### **Motion**

**Rick Dutson** made a motion to set a Special City Council meeting on December 16, 2008, at 5:30 p.m. The motion was seconded by **David Hale**, and passed by a unanimous vote.

#### **PROPOSAL FOR UPDATING THE CITY'S CULINARY WATER MASTER PLAN. (Agenda Item #18)**

**Max Forbush** explained that an updated culinary water master plan will cost an estimated \$16,000. He believes it is critical to complete the update within the current budget year because of the actual and potential growth, particularly in the TOD (Transportation Oriented Development) area. He stated that City attorneys have recommended updating impact fees every three or four years. The City needs to ensure that it has the infrastructure for all water facilities, storage, and distribution.

**Mr. Forbush** explained that the proposal by CRS Engineering should include hiring Bob Rosenthal to do the impact fee analysis as well as the master plan update. He said there is \$25,000 budgeted in the water fund for both, and the CRS proposal needs to be within that amount. **Mr. Forbush** recommended that CRS be requested to prepare a more formal proposal with the "scope of work" setting forth hourly fees, but the total not to exceed \$25,000.

#### **Motion**

**Rick Dutson** moved to approve funding for the update of the City's culinary water master plan, and for an updated water impact fee analysis by Bob Rosenthal. CRS Engineering should submit a specific "scope of work" proposal with hourly fees, not to exceed a total of \$25,000. **Paula Alder** seconded the motion, which passed unanimously.

#### **MAYOR HARBERTSON'S REPORT (Agenda Item # 19)**

**Mayor Harbertson** reported on contact with Kirt Peterson regarding surface water drainage issues on his property. Mr. Petersen is concerned about the amount of water being diverted from the channel on the north side of Clark Lane just west of the D&RGW right of way in a southerly direction through the wetland which flows south westerly toward 1525 West near the Petersen property and beyond.

**CITY COUNCIL REPORTS (Agenda Item #20)**

**Paula Alder** updated the Council on responses concerning an adult advisor for Youth City Council. She also reported that the YCC is helping with the Frodsham Christmas project, and she announced a planned Polar Express Christmas breakfast.

**David Hale** gave a brief report on mosquito abatement.

**Sid Young** reported on a phone call with Jerry Stevenson, who wants his attorney to review the easement adjustment on the firebreak road.

**MISCELLANEOUS Agenda Item #21)**

- a. Miscellaneous items**
- b. Minute Motion adjourning to closed session to discuss strategy as it pertains to acquisition of real property and pending litigation.**

A closed session was held prior to the Council work session.

**ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #22)**

There were no items discussed.

**ADJOURNMENT**

**Rick Dutson** moved to adjourn. **Paula Alder** seconded the motion, and the meeting adjourned at 8:45 p.m.

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Margy Lomax, City Recorder